



July 26, 2024

VIA ECF

Hon. Loretta A. Preska  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, NY 10007

Re: LV, et al. v. New York City Dept. of Educ., et al., No. 03 Civ. 9917

Dear Judge Preska:

I am following up to my letter to Your Honor on 7/15/23 (Dkt. No. 349). At the hearing on 5/30/24, Your Honor requested that I investigate the Office of Management and Budget (OMB) processes related to hiring, which may be hindering the progress of filling current open roles needed to satisfy some of the obligations of the 7/19/23 Order.

On 7/23/24 I interviewed the OMB employees (Deputy Assistant Director of Education and Associate Director of Education) responsible for reviewing and approving DOE hiring requests and the following is a summary of my findings:

- When LV candidates have been interviewed and DOE hiring processes are completed, DOE creates a position action report (referred to as a "PARS" request) and submits it to the aforementioned OMB personnel for review.
- The target review processing time for any candidates is 21 business days, though most review times are typically within 10 business days; in my 7/15 letter I had stated, "When hiring candidates, Central Offices should account for at least 4–6 weeks For OMB approvals. Please note that during the City Hiring Freeze, timelines may be subject to change."
- Because of the city hiring freeze, across all city agencies OMB has enacted a "two for one" policy that limits hiring approvals to one new hire for every two separations. However, because this issue of LV hiring had been raised by Your Honor, OMB leadership has recently waived this requirement for any LV hire flagged in a PARS shared with OMB for approval.
- There is a policy that requires City Hall approval for any hire with a salary greater than \$150,000 and/or a direct report to the Chancellor. However, this criteria has not applied to any LV candidate to date and they do not anticipate this approval will be required for future LV hires.

In my interview with OMB, it was clear to me that they are aware of the importance and urgency of hiring LV candidates and the impact it will have on satisfying the obligation in the 7/19/23 order. OMB also confirmed that they just approved 22 new LV hires.

Prior to my meeting with OMB I met with DOE to review their hiring progress and asked them to create a report that can be used to showcase their progress. I have reviewed and provided feedback on the report, which is attached herewith. I have asked DOE to provide me with frequent updates of this report so that I can proactively monitor their hiring progress and report back to Your Honor as needed.

Thank you for your attention to this matter. I am available for further discussion at your convenience.

Yours sincerely,



David Irwin  
Thru Consulting, LLC

cc:

Jeff Dantowitz, Esq.  
Jasper Perkins, Esq.  
Rebecca Shore, Esq.  
Elizabeth Vladick, Esq.

Attachment



### **Summary - Hiring Totals, as of 7/26/2024**

DOE Submission  
 Submission Date: 7/26/2024  
 Document Type: Deliverable  
 LV Mandates #14b, #14c, #22  
 Chart of LV Hiring Updates  
 Summary - Hiring Totals

Permanent Staffing	Count
Estimated Number of Positions	76
Candidates Accepted Offers	44
Candidates Onboarded	4
Applicants	1606
Applicant Interviews	228

Temporary Staffing	Count
Estimated Number of Temporary Consultant Positions	38
Temporary Consultants Onboarded	38

Note: The temporary consultants for IU and DFO-PO will remain in place after NYCDOE receives permanent staffing.

Total - Permanent and Temporary Staffing	Count
Estimated Number of Positions	114
Candidates Accepted Offers	82
Candidates Onboarded	42
Number of Applicants	1644
Number of Interviews	266

**CONFIDENTIAL****LV Hiring Totals by Office, as of 07/26/2024**

DOE Submission  
 Submission Date: 7/26/2024  
 Document Type: Deliverable  
 LV Mandates #14b, #14c, #22  
 Chart of LV Hiring Updates  
 Totals by Office

LV Mandate Cross-Reference	Division	Office	Estimated Number of Positions	Candidates Accepted Offers	Candidates Onboarded	Applicants	Applicants Selected for Interviews
#14b: Implementation Unit Staffing; #1 and #14a:	Office of the General Counsel	Implementation Unit (IU)	46	44	31	680	73
#40: HR Resource for IU	Office of the General Counsel	OGC Operations (OGC-HR)	1	0	0	170	0
#29: Appoint Implementation Systems Analyst to the Due Process Systems and Analytics Office (DPSA)	Office of the General Counsel	Due Process Systems and Analytics Office (DPSA)	2	0	0	154	18
#12a: Communicate all service orders and action items, #15: Designate Implementation Liaisons; and #33 Coordinate service action items	Division of Specialized Instruction & Student Support	Committee on Special Education (CSE)	16	6	0	129	61
#12a: Communicate all service orders and action items, #15: Designate Implementation Liaisons; and #33 Coordinate service action items	Division of Specialized Instruction & Student Support	Office of Related Services (ORS)	2	2	0	28	10
#24b: DAITS Enhancements	Division of Instructional and Information Technology (DIIT)	Division of Instructional and Information Technology (DIIT)	2	2	0	10	6
#15: Designate Implementation Liaisons; #19 Nursing Documentation; #20: Nursing Procedures; #21: OSH Implementation Liaisons; #12a Coordinate service action items and #33 Coordinate service action items	Office of Student Health (OSH)	Office of Student Health (OSH)	23	7	0	322	72
# 9: Timely Payments	Division of Financial Operations (DFO)	Division of Financial Operations, Payables Office (DFO-PO)	22	21	11	151	26
		<b>Total Count - Permanent and Temporary Hiring</b>	<b>114</b>	<b>82</b>	<b>42</b>	<b>1644</b>	<b>266</b>

Notes

1. These totals including both permanent and temporary hiring. The temporary consultants for IU and DFO-PO will remain in place after NYCDOE receives permanent staffing.